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[additional attorneys on signature page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

ERIC BENEDICT, RICHARD
BOWDERS, KILRICANOS VIEIRA, and
DAVID MUSTAIN on behalf of
themselves and classes of those similarly
situated,

Plaintiffs,

v.

HEWLETT-PACKARD COMPANY,
Defendant.

Case No. C 13-0119 BLF

**STIPULATION AND [PROPOSED]
ORDER REGARDING CERTAIN
HEARING DATES AND OTHER
DEADLINES PENDING MEDIATION**

1 WHEREAS, the parties have completed substantial discovery and briefing on Plaintiffs'
2 Motion for Class Certification under Rule 23 ("Rule 23 Motion") (ECF No. 315);

3 WHEREAS, the parties have also completed briefing on HP's Motion to Enforce
4 Collective Action Waivers ("Waiver Motion") (ECF No. 317);

5 WHEREAS, informed by the record developed to date, the parties mutually agree that it is
6 an opportune time in the case to explore potential resolution;

7 WHEREAS, the parties are discussing mediators and working to find appropriate dates for
8 a mediation;

9 WHEREAS, the parties have significant case deadlines occurring near and after the
10 anticipated mediation;

11 WHEREAS, the parties believe it might waste Court resources, cause unnecessary work
12 and costs, and create distractions and disagreements to maintain the near-term litigation
13 deadlines, including the Court's time and resources to review the parties' submissions in
14 connection with the Rule 23 Motion and Waiver Motion, while attempting simultaneously to
15 resolve the case;

16 WHEREAS, the fact discovery cutoff is currently set for September 3, 2015, and was set
17 initially based on the date the Rule 23 Motion would be heard;

18 WHEREAS, the parties believe that, within the next 14 days, they will be able to finalize a
19 date for mediation and jointly propose a short continuance of other deadlines in the form of a
20 Joint Statement Re: Remaining Deadlines ("Joint Statement"); and

21 WHEREAS, pursuant to Local Rule 6-2(a)(2), the parties disclose that there have been
22 previous requests for time modifications in this case, as shown in ECF Nos. 68, 98, 104, 275, 285,
23 299, 323, and 345, though none to accommodate settlement talks.

24 THEREFORE, THE PARTIES AGREE AND STIPULATE that

- 25 1. The following dates be taken off calendar: (a) the hearing scheduled for July 30,
- 26 2015 on Plaintiffs' Motion for Class Certification; (b) the hearing scheduled for
- 27 August 20, 2015 on HP's Motion to Enforce Collective Action Waivers; and (c)
- 28 the fact discovery cutoff, currently set for September 3, 2015; and

- 1 2. The Parties shall file the Joint Statement within 14 dates of the Court's approval
2 and entry of this Stipulation proposing new case management dates, including for
3 those events described in paragraph 1 above.

4 **IT IS SO STIPULATED.**

5 Dated: July 20, 2015

LIEFF, CABRASER, HEIMANN & BERNSTEIN,
LLP

7 By: /s/ Kelly M. Dermody
 Kelly M. Dermody

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Dated: July 20, 2015

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2015

The Honorable Beth Labson Freeman
United States District Judge

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the other signatories above.

Dated: July 20, 2015

By: /s/ Kelly M. Dermody
Kelly M. Dermody